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JAN WITOLD BARAN  
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April 11, 1991

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Lawrence M. Noble, Esq.  
General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Re: MUR 2314  
National Republican Senatorial Committee  
and James L. Hagen, as Treasurer

Dear Mr. Noble:

I am in receipt of your letter of March 25, 1991, informing me that your office is prepared to recommend that the Commission find probable cause to believe that out client, the National Republican Committee ("NRSC") and James L. Hagen, as Treasurer, violated the federal election laws in Matter Under Review ("MUR") 2314. Enclosed with your letter was a copy of the General Counsel's brief in this Matter.

As you are aware, the Order in FEC v. NRSC (Civil Action No. 90-2055) was issued only two days ago. That case involves many of the same issues as MUR 2314, including the central question of the proper interpretation of the Commission's "direction and control" regulations. The General Counsel's brief in MUR 2314 itself notes that FEC v. NRSC, and its predecessor case, Common Cause v. FEC, "may be used as precedent on the issue of direction or control." Brief at 21. Accordingly, Respondents respectfully request that the Commission stay any further proceedings in MUR 2314 until there is a final resolution of FEC v. NRSC. We make this request without waiving our right to file a responsive brief in this Matter.

The NRSC has not yet determined whether to appeal the April 9, 1991 Order of the Court in FEC v. NRSC. Until that decision is made, and any possible appeal finally adjudicated, it would be difficult, if not impossible, to respond in MUR 2314 in light of the fact that the direction and control standard is central to both Matters. Respondents realize that appeals can take considerable time. However, the Commission last took action in MUR 2314 over two years ago, and it is unlikely that an appeal would consume more

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time than that. Given the fact that this case involves actions taken by Respondents in 1986, there would be no prejudice to a further delay, and great merit to waiting for a final resolution of FEC v. NRSC.

Sincerely yours,



Jan Witold Baran

JWB/smr

Enclosure

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